

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: B. Raghava Reddy, et al.

Serial No.: 10/780,314

Filed: February 17, 2004

For: WELL BORE SERVICING FLUIDS
COMPRISING THERMALLY ACTIVATED
VISCOSIFICATION COMPOUNDS AND
METHODS OF USING THE SAME§
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Group Art Unit: 1712

Examiner: Timothy J. Kugel

Confirmation No. 9746

CERTIFICATE OF TRANSMISSION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450I hereby certify that this correspondence is being filed
electronically addressed to: Commissioner for Patents,
P.O. Box 1450, Alexandria VA 22313-1450 on:August 24, 2006
Date of TransmissionKaren Harris
Karen HarrisRESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the Office Action dated August 1, 2006, with respect to the above-identified application, Applicants elect to prosecute the invention of Group A, claims 21-23, 27-35, and 37-40, drawn to a wellbore fluid comprising an ionic water-soluble hydrophobically modified polymer, with traverse.

Applicants respectfully request that the Examiner reconsider and withdrawn the restriction requirement. The Manual of Patent Examining Procedures (MPEP) § 808.02 states:

Where the related inventions as claimed are shown to be independent or distinct under the criteria of MPEP § 806.05(c) - § 806.06, the examiner, in order to establish reasons for insisting upon restriction, must explain why there would be a serious burden on the examiner if restriction is not required. Thus the examiner must show by appropriate explanation one of the following:

(A) **Separate classification thereof:** This shows that each invention has attained recognition in the art as a separate subject for inventive effort, and also a separate field of search. Patents need not be cited to show separate classification.

(B) **A separate status in the art when they are classifiable together:** Even though they are classified together, each invention can be shown to have formed a separate subject for inventive effort when the examiner can show a recognition of separate inventive effort by inventors. Separate status in the art may be shown by citing patents which are evidence of such separate status, and also of a separate field of search.

(C) **A different field of search:** Where it is necessary to search for one of the inventions in a manner that is not likely to result in finding art pertinent to the other invention(s) (e.g., searching different classes/subclasses or electronic resources, or employing different search queries, a different field of search is shown, even though the two are classified together. The indicated different field of search must in fact be pertinent to the type of subject matter covered by the claims. Patents need not be cited to show different fields of search.

Where, however, the classification is the same and the field of search is the same and there is no clear indication of separate future classification and field of search, no reasons exist for dividing among independent or related inventions. (Emphasis added)

The Applicants respectfully submit that there will be no additional burden on the Examiner to search and examine all of the pending claims. The search required for Groups B and C drawn to a wellbore fluid comprising a non-ionic water-soluble hydrophobically modified polymer will inherently overlap with the search required for Group A drawn to a wellbore fluid comprising an ionic water-soluble hydrophobically modified polymer. Specifically, all three groups are classifiable under U.S. class 507/103, which has already been searched by the Examiner. Thus, there is no significant burden placed on the Examiner by examining the claims of groups A, B, and C together.

In the event that the Examiner elects to maintain the restriction, Applicants reserve the right to seek rejoinder of the Groups B and C claims pursuant to MPEP § 821.04 if the claims of elected Group A are allowed.